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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/463,536	08/18/2000	Jean Morelle	DEM-1	6455
20311	7590 05/17/2006		EXAM	INER
LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH		PRYOR, ALTO	NATHANIEL	
15TH FLOOF			ART UNIT	PAPER NUMBER
NEW YORK,	NY 10016		1616	-

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/463,536	MORELLE ET AL.
Office Action Summary	Examiner	Art Unit
	Alton N. Pryor	1616
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with	the correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING Do Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNIC, 36(a). In no event, however, may a repwill apply and will expire SIX (6) MONT, cause the application to become ABA	ATION. bly be timely filed HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).
Status		
 Responsive to communication(s) filed on 16 Fe This action is FINAL. Since this application is in condition for allower closed in accordance with the practice under E 	action is non-final. nce except for formal matte	•
Disposition of Claims		
4) Claim(s) 15-17,19 and 20 is/are pending in the 4a) Of the above claim(s) is/are withdraw 5) Claim(s) 15,17 and 20 is/are allowed. 6) Claim(s) 16 and 19 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/o	wn from consideration.	
Application Papers		
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	epted or b) objected to by drawing(s) be held in abeyand tion is required if the drawing(s	e. See 37 CFR 1.85(a).) is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document: 2. Certified copies of the priority document: 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Ap rity documents have been r u (PCT Rule 17.2(a)).	plication No eceived in this National Stage
Attachment(s)		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date		Mail Date brmal Patent Application (PTO-152)

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DETAILED ACTION

Applicant's arguments filed 2/1606 have been fully considered but they are not persuasive. See argument below.

- I. Rejection of claim 16 under 35 USC 102 as being anticipated by De Mill will be maintained for reason on record and reason as follows. Applicant has amended claim 16 to include the application of copper salts of caprylic amino acids to **fruit** of grape crops. Examiner argues that Applicant has no support in the original specification for applying copper salts of caprylic amino acids to **fruit** of grape crops. For this reason the rejection on record is maintained.
- II. Rejection of claim 19 under 35 USC 103(a) as being obvious over Morelle will be maintained for reason on record. Applicant argues that Morelle does not teach or suggest the claimed amount of zinc salts of butyric amino acids (3-5 grams) being applied to plants for their protection from pests. Examiner argues that when the prior art discloses all the limitation of the claims except for the instant amounts of an ingredient the prior art makes the invention at hand obvious unless there is a showing the criticality the range being claimed. It is obvious that the application of zinc butyrylproline bentonite to crop would protect the crop from animals. This is obvious since the active step of both the prior art and instant invention is the same with the exception of the amount of zinc butyrylproline bentonite being applied.

II. New Matter Rejection

Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner argues that Applicant has no support in the original specification for applying copper salts of caprylic amino acids to **fruit** of grape crops.

III. Claims 15,17,20 are allowable. The prior art does not teach or suggest instant method of treating beet crop with copper salts of caprylic amino acid, or potato crop at the end of tuberisation with copper salts of butyric amino acids.

Telephonic Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alton N. Pryor whose telephone number is 571-272-0621. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Alton Pryor Primary Examiner AU 1616

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